

Official Minutes for Webb County Commissioners Court Meeting

Monday, April 26, 2004 at 1:00 PM
(Approved May 24, 2004)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22nd of April 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by Cmr. Gutierrez

- Item No. 4 Approval of minutes

Cmr. Velasquez stated that on page No. 5, it should state that Mr. Homero Ramirez, County Attorney, stated that the tax valuation would also be frozen, not just the tax rate. Mr. Ramirez stated that the tax payment would remain the same for those who qualify but would not affect the appraisal of those properties.

Cmr. Gutierrez motioned to approve the minutes with corrections stated. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 6 Communications

Cmr. Cortez expressed concerns over telephone calls he had received from several Sheriff's deputies about rumors that the jail would be privatized and they would be out of a job. He stated that he would not approve to privatize the jail and that it would need to be approved by the court before anything can be done.

Cmr. Vasquez shared Cmr. Cortez's concerns and stated that though there have been many changes in elected positions, he feels that politics should not affect employee's work. He stated that he has been advised that there have been several terminations of employees who supported his candidacy and feels that court should do something to curb this practice. He congratulated Mr. Frank Sciaraffa, Commissioner-elect for Pct. 1 and stated that he would do everything in his power to make the transition as positive as possible.

Judge Bruni stated that he would not tolerate politics to be played with employee's jobs. He requested that Cmr. Vasquez submit any proof of the wrongful terminations so that proper action is taken. He also stated that he did not believe in the privatization of the jail and supported the Sheriff's department and deputies to the fullest extent.

Cmr. Gutierrez echoed the court's concerns and stated that this happens during each political change. She stated that she does not foresee privatization happening anytime soon as no propositions have been brought to the court. She stated that it was not fair for employees who are doing their job to be terminated based upon who they did or did not support politically. She also feels that the court needed to be aware of legislative changes that could have an adverse affect on how local municipalities are run and also encouraged the court to express their concerns.

Item No. 5 Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, submitted to the court her monthly report. She stated that the last page listed requests for payments that had already been processed or paid via Purchase Order or Request for Payment. She stated that these requests for payment were then forwarded to the Auditor's Office. Mr. Rafael Perez, Chief Deputy Auditor, stated that there are approximately ten (10) projects pending completion that are funded with Certificates of Obligation Series 2000.

Cmr. Velasquez motioned to accept the Monthly Treasurer's Report. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 7 Public Comment

There were no public comments.

Item No. 8 Discussion and possible action to name David R. Cortez, Commissioner Precinct 4, to the Audit Committee.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 9 Presentation by Rad-Tec Fabricators, Inc., "Pave the Border." (VP Mike Ellis, presenting).

Mr. Mike Ellis stated that his company was based out of Corpus Christi and is proposing to install a tire recycling facility. He stated that this company will manufacture road safety equipment and asphalt rubber for use in Webb County and other communities. He stated that this will accomplish the recycling of scrap tires and assist in paving county roads with a more economical and environmentally friendly asphalt. Judge Bruni stated that this would eliminate scrap tires which pose health and environmental concerns. Mr. Ellis stated that he would like to form a partnership with Webb County using private monies, industrial bonds and a possible loan from North American Development Bank, which needs a public agency to apply for the loan. Cmr. Gutierrez expressed concerns about reports of the rubber asphalt becoming "gummy" during high temperatures as well as the liability that the county would be responsible for. Mr. Ellis stated that there have been no reports of "gumminess" of the rubber asphalt in Arizona, where temperatures exceeding 100°F are frequent. Mr. Homero Ramirez, County Attorney, stated that a more detailed proposal and formal presentation is needed to clarify the short and long term commitments for both parties as well as any agreements that would be made between them and licensing and usage issues.

- Item No. 10 Discussion and possible action to approve the following line item transfer:

From: 001-6100-6010	Books and Subscriptions	\$3,800.00
To: 001-6100-6205	Materials and Supplies	\$3,800.00

Judge Bruni motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 11 Discussion and possible action to approve \$4,800.00 to the Transportation Safety Association for their 1st Annual Transport Safety Conference scheduled for May 6, 2004. This conference is being hosted by Webb County and the City of Laredo. [Account # 001-0109-6022 Professional Services]

Mr. Jose Botello stated that this was a non-profit corporation and it would be a three day affair at TAMU and an exhibition at LCC South Campus. He stated that this was a community based effort to bring the transportation industry into the forefront. Mr. Enrique De La Garza, CEO and President of the Transportation Safety Association, stated that the conference is expected to bring in approximately 300 participants.

Cmr. Gutierrez motioned to approve item with funding coming from Hotel/Motel funds (Fund No. 7 as per County Auditor). Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez motioned to break for 15 minutes. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

BREAK (2:47 pm to 3:11 pm)

- Item No. 12 Discussion and possible action to accept the initial allocation for the Weatherization Program from the Texas Department of Housing and Community Affairs, for FY 2004-05, in the amount of \$82,413.00, with corresponding budget and general order.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Ms. Cynthia Mares, Community Action Agency Director, stated that they were able to weatherize 79 homes in 2003-2004 and that eligibility was based on the following criteria: income, application, and home assessment. She stated that there is a waiting list of 25 families which would be carried over to this fiscal year. She stated that priority was given to homes with elderly/disabled persons or children under the age of 6.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to accept the initial allocation for the Weatherization/DOE/Oil Overcharge Programs from the Texas Department of Housing and Community Affairs and the Department of Energy, for FY 2004-05, in the amount of \$50,962.00, with corresponding budget.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to enter into one year (April 7, 2004 through April 6, 2005) Rural Transportation Federal Fund Grant Agreement (No. 51422F7107) with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts a grant amount not to exceed ONE HUNDRED AND SIXTY SIX THOUSAND FIVE-HUNDRED AND NINETY ONE DOLLARS (\$166,591.00) for the "El Aguila" Rural Transportation Program and authorizing the Webb County Judge to execute all relevant documents. This Grant will be used for administrative and operational expenses. [Requested by Webb County CAA, "El Aguila" Rural Transportation]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to enter into an Equipment Lease Agreement with Office Communications Systems, Inc. for one (1) Toshiba ES 450 Digital Copier and accessories to be located at the Building Maintenance (Facility) Department for a thirty-six month period (4/26/04 through 4/25/07) in the amount of ONE HUNDRED AND NINETY SEVEN DOLLARS AND FIFTEEN CENTS (\$197.15) per month and authorizing the County Judge to sign all relevant documents. [Account # 001-0106-6402 Equipment Maintenance Requested by Webb County Purchasing Department]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to enter into an Equipment Maintenance Agreement with Office Communications Systems, Inc. for one (1) Toshiba ES 450 Digital Copier for the Building Maintenance (Facility) Department for a thirty-six month period (4/26/04 through 4/25/07) at a per print cost of \$.0075, and authorizing the County Judge to sign all relevant documents. [Account # 001-0106-6402 Equipment Maintenance]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to accept 14 rights of way and public utility easements, out of Pueblo Nuevo Subdivision, 2 rights of way and public utility easements out of Los Ranchitos 359 East, one (1) right of way and public utility easement out of Laredo Ranchettes, Inc. Subdivision, one (1) right of way and public utility easement out of D-5 Acres, one (1) right of way and public utility easement out of Ranchos Penitas West Subdivision, one (1) right of way and utility easement out of Ranchitos IV Los Minerales and one (1) right of way and public utility easement out of Ranchitos IV Los Minerales Annex, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to enter into a Memorandum of Understanding for a twelve (12) month period (May 1, 2004 through April 30, 2005), with Border Region Mental Health and Mental Retardation Community Center which will allow Border Region to either directly supply or reimburse medications for mental health to defendants committed under the Texas Code of Criminal Procedure and released from a state MHMR facility to proceed with trial after a determination of competency, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to enter into an Interlocal Cooperation Agreement with Laredo Independent School District to provide and manage a School Resource Officer Program in L.I.S.D. under the COPS in Schools Program from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for a duration of not less than three consecutive years (September 1, 2002 to August 31, 2005). L.I.S.D. agrees to reimburse Webb County a total of ONE HUNDRED AND FORTY-NINE THOUSAND ONE HUNDRED AND FIFTY-SIX DOLLARS (\$ 149,156.00) under the COPS-SRO Grant program and authorizing the County Judge to sign all relevant documents.
[Requested by Webb County Sheriff's Department]

Mr. Homero Ramirez, County Attorney, requested that this item be tabled.

Cmr. Gutierrez motioned to table item. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action to implement a county wide computer use policy for all county employees.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that his office would prepare a memo to all department heads that would be distributed with a copy of the approved policy.

- Item No. 21 Discussion and possible action authorizing Change Order # 1 to Satterfield & Pontikes Construction, Inc., in the amount of \$14,960.00 for permit fees that the city of Rio Bravo overcharged for issuing a permit for the construction of a 2.4 million gallon per day Water Treatment Plant. This action is subject to Texas Water Development Board's Approval. [Account # 648-8006-8801-11 Capital Outlay]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that \$10,000 had been allocated for permits and had been advised by the Rio Bravo city mayor that they cooperate in the construction of the water treatment plant. He stated that the city of Rio Bravo is charging Webb County over \$25,000 in permits and stated that if fees were not paid, permit for electricity would not be issued. Cmr. Vasquez stated that he would be attending the next city council meeting for Rio Bravo and request for them to disincorporate due to financial incapability to maintain the city. Mr. Carlos Villarreal, Commissioners Court Executive Administrator, stated that he felt that the Rio Bravo mayor should come before the court to provide reason as to why county is being overcharged for permits. Mr. Homero Ramirez, County Attorney, requested that the item be deferred so that he could further research item.

Cmr. Gutierrez withdrew her motion. Cmr. Velasquez withdrew his second.

Cmr. Cortez motioned to table item. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 22 Discussion and possible action authorizing the County Judge to enter into an agreement with TX DOT, execute an Affidavit and a "Project Information Sheet" for the funding (County's Share) and the reconstruction of "Off State System Bridges" at the following:
- Jaboncillo Creek on Raices Rd. 1 mile north of Alamo Rd. (Letting - September 2007) -- \$10,600.00
 - Mines Rd. at Chupadera Creek to Ambrosia Creek (Letting - January 2008) -- \$109,200.00
 - Callaghan Rd. at Carrizitos Creek (Letting - March 2008) -- \$25,000.00
 - Wright Rd. at Tejones Crk., 6.25 miles west of US 83 N. (Letting - March 2008) - \$20,000.00
 - Espejo-Gates Rd. at Canyon Crk., 1.2 miles west of US 83 N. (Letting - April 2008) -- \$8,250.00

- Aguilares Rd. at Agua Azul, 7.0 miles southeast of SH 359 (Letting – April 2008) -
- \$10,600.00
- Las Tiendas Rd. at Tejones Creek & Santa Isabel creek (Letting – June 2008) --
\$34,450.00

Mr. Tomas Rodriguez, County Engineer, stated that the county's share for this project was \$218,100 and the state would be paying approximately nine times that amount.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 23 Discussion and possible action to approve a line item transfer:

From:	001-1100-6205	Materials and Supplies	\$1,000.00
	001-1100-6022	Professional Services	\$1,000.00
To:	001-1100-6005	Postage	\$1,000.00
	001-1100-6402	Equipment Maintenance	\$1,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24 Discussion and possible action to approve the following line item transfers:

From:			
Account #	903-4208-5001	Payroll	\$125,500.00
Account #	903-4208-5608	Travel	\$ 16,985.00
Account #	903-4208-6048	License Permits	\$ 2,000.00
Account #	903-4208-6080	Literacy Supplies	\$ 1,815.00
Account #	903-4208-6216	Medical Supplies	\$ 2,443.00
Account #	903-4217-6020	Educational Supplies	\$ 4,500.00
Account #	903-4217-6098	Supplies	\$ 4,200.00
		Total:	\$157,443.00

To:			
Account #	903-4208-6012	Space Rental	\$ 36,500.00
Account #	903-4208-6014	Equip. Rental	\$ 21,028.00
Account #	903-4208-6092	Building Ins.	\$ 41,002.00
Account #	903-4208-6096	LsPurchPri	\$ 5,350.00
Account #	903-4208-6094	LsPurchIn	\$ 4,640.00
Account #	903-4208-6201	Utilities	\$ 38,923.00
Account #	903-4208-6403	Vehicle Maintenance	\$ 10,000.00
		Total:	\$ 157,443.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion with discussion.

Ms. Aliza Oliveros, Head Start Director, stated that the monies from payroll are available due to vacant positions, leave taken without pay and base salaries. She stated that the reason for the additional funds needed for rent was due to the raise in rent for several sites.

Motion carried 5-0 by unanimous consent.

- Item No. 25 Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties:

Connection(s) qualifying under Section 232.029 (i):

1. Tract 221, Ranchitos Las Lomas II Subdivision (electricity – one dwelling only);
2. Lot 11, Block 14, Pueblo Nuevo Subdivision (electricity – one dwelling only)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action to retain the pro media training services from Pro Tools Training Center in the amount of \$5,790.00 for the MIS Department. [Account # 660-0101-8801 Capital Outlay Series 2003]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 27 Discussion and possible action to retain the services of Zertuche Construction LLC, to supply and install insulation in the amount of \$9,250.00 for the TEX-MEX Building. [Account # 659-8000-8002 Land Acquisition]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, advised court that approximately \$57,900 has been spent on the renovation of the TEX-MEX Building. Cmr. Cortez requested information as to whom or what would be housed in that building.

Motion carried 5-0 by unanimous consent.

- Item No. 28 Discussion and possible action to lease purchase one (1) digital copier in the amount of \$148.00/mo. \$1,776.00 annually from Unitech Business Solutions. [Account # 801-3001-6014 Equipment Rental Water Utilities]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 29 Discussion and possible action to solicit bids for the following contracts:

- Contractual Bids for the CAA-Weatherization Program.
- Contract for weatherization materials and rehab materials to include the weatherization assistance program and rehab materials for Self-Help

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 30 Discussion and possible action to award/reject the following proposals:

- P-2004-03 Request for proposals for the Hazard Mitigation Plan to URS Corporation
- P-2004-04 Request for proposals for secondary water source to Tetra Tech, Inc.

Mr. Eloy Ramirez, Purchasing Agent, stated that his department recommended that the proposals be awarded to the vendors listed on this item. He stated that a contract would be negotiated and brought before the court.

Cmr. Gutierrez motioned to award proposals as presented. Cmr. Cortez seconded the motion.

Mr. Tomas Rodriguez, County Engineer, stated that the funding for P-2004-03 would be from ROW Acquisitions funds and P-2004-04 would be from Bond of Obligation Series 2002 (\$100,000) and 2003 (\$200,000).

Motion carried 5-0 by unanimous consent.

Item No. 31 Discussion and possible action to establish a \$5,000.00 ceiling below which the Interim Risk Manager or Risk Management Department may settle claims without further authorization from Commissioners Court.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that this process had been in place for years and claim settlement is done in conjunction with the County Attorney, Chief of Staff, Commissioners Court Executive Administrator and Risk Manager.

Motion carried 5-0 by unanimous consent.

Item No. 32 Discussion and possible action to approve the following line item transfer:

From:	010-7002-6205	Materials and Supplies	\$14,000.00
To:	010-7002-6224	Minor Apparatus	\$ 4,000.00
	010-7002-6402	Equipment Maintenance	\$10,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 33 Discussion and possible action to approve request for refunds as recommended by the Tax Assessor Collector as follows:

Name: Shamrock Logistics Operations c/o Ad Valorem Tax Dept.
Reason: Clerical Error 25.25 - Case # 2002 CVQ 001130-D2
Total: \$3,069.15

Name: Diamond Shamrock Ref. & Mkt. c/o Ad Valorem Tax Dept.
Reason: Clerical Error 25.25 – Case # 2002 CVQ 01130-D2
Total: \$5,199.28

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 34 Discussion and possible action to implement a mandatory direct deposit payroll system as approved by HB 3308 (Texas Payday Act), giving employees written notice of at least 60 days.

Mr. Homero Ramirez, County Attorney, stated that this House Bill does not pertain to state agencies or political subdivisions and Court has no authority to implement policy. He stated that though it cannot be mandated, it can be recommended to county employees. He stated that no action can be taken.

Cmr. Vasquez motioned to table item. Cmr. Gutierrez seconded the motion.

Judge Bruni stated that it was Ms. Delia Perales's discretion as an elected official to speak with departments regarding the recommendation of direct deposit for employees.

Motion carried 5-0 by unanimous consent.

Item No. 35 Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.